

Administration

Employee
Responsibilities

**Whistleblowers Policy
& Guidelines for Reporting
Improper Activity**

POLICY:

- .01 The Laboratory encourages its employees to report allegations of improper activity. Laboratory management has the responsibility to investigate and correct improper activity in a confidential manner and to address written complaints alleging acts of retaliation or intimidation in response to reporting of allegations of improper activity.

DEFINITIONS:

Improper Activity

- .02 Improper activity is
- A violation of law, rule, regulation, contract, or Laboratory policy;
 - A substantial and specific danger to employee or public health or safety or to the environment;
 - Misuse of government property;
 - Fraud, gross mismanagement, gross waste of funds, or abuse of authority; or
 - Improper use of official authority or influence.
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**Improper Use of Official
Authority or Influence**

- .03 Improper use of official authority or influence includes
- Improperly promising to grant any benefit;
 - Influencing any retaliation; or
 - Improperly taking, or directing others to take, or recommending or approving any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or disciplinary action.

**Allegation of Improper
Activity**

- .04 An allegation of improper activity is the reporting of any events or actions that the employee reasonably and in good faith believes have occurred.

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- Retaliation** .05 Retaliation means negative employment actions such as discharge, demotion, or reduction in pay, or coercion, restraint, threats, intimidation, or other action taken because the employee has reported improper activity or refused to engage in improper activity or because the employee cooperated in the investigation of alleged improper activity.
- CONFIDENTIALITY:** .06 The identity of persons reporting allegations of improper activity or retaliation will be protected to the greatest extent practicable. However, the identity of the person may be made known to Laboratory personnel with a legitimate need to know in order to investigate and address the complaint. In addition, release of the identity of persons reporting allegations of improper activity or retaliation may be required pursuant to a subpoena or in other circumstances where the Laboratory is required by law to release information. Persons filing a report of improper activity or retaliation may be required, in some cases, to provide public testimony. Persons who file complaints of retaliation will be informed that their identity may become known to supervisors, witnesses, and alleged retaliators during the course of the investigation or grievance procedure.
- REPORTING IMPROPER ACTIVITY:** .07 ***How to Report*** — Employees are strongly encouraged to immediately report activity that they reasonably and in good faith believe to be improper to their group- or higher-level manager, who shall then report the allegations, in writing, within 5 working days to the Whistleblower Officer, who is the Deputy Laboratory Director for Business Administration and Outreach (DLD/BAO). At the employee's option, the employee may report allegations of improper activity directly to the Whistleblower Officer. Depending on the nature of the allegation, the Whistleblower Officer will coordinate required action with the Staff Relations Group (HR-8) in the Human Resources Division, the Internal Evaluation Office in Audits and Assessments (AA), the Environment, Safety, and Health Division (ESH), or the Security and Safeguards (S) Division Special Projects Office (S-SPO).

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.08 Employees may also report any allegation of improper activity to the Department of Energy (DOE) Office of Inspector General, the University Auditor at the University of California, or any other entity having authority to investigate matters of the type alleged. Employees may report allegations of improper activity by the Whistleblower Officer to the Laboratory Director. Allegations of improper activity by the Laboratory Director may be reported to the Senior Vice President - Administration at the University of California.

.09 Any allegations of improper activity, as defined in [.02](#) and [.03](#), should be made in writing and contain sufficient detail to permit a reasonable investigation.

Management Responsibility

.10 Managers are responsible for ensuring that all allegations of improper activity are referred to the Whistleblower Officer for investigation and resolution and for cooperating fully in the investigation and resolution of the allegation.

RETALIATION:

.11 ***How to Report*** — An employee shall report allegations of retaliation to the Retaliation Control Officer (RCO), who is the Director of Human Resources (DHR), within 12 months of the time that the employee is aware of any act that he or she reasonably believes constitutes retaliation. The process provided in AM 111, Complaint Resolution, will be used to resolve allegations of retaliation filed by employees who are eligible to have complaints reviewed under AM 111. Retaliation complaint resolution procedures for other employees may be obtained from the Employee Concerns Program (ECP) in the Human Resources Division.

.12 Any allegation of retaliation must be in the form of a written statement, signed by the employee, setting forth the nature of the alleged act of retaliation and of the allegation of improper activity that is alleged to have caused the retaliation.

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DISCIPLINARY ACTION: .13 Laboratory employees responsible for any act of retaliation shall be subject to disciplinary action, up to and including termination.

